

18. (Amended) A construct comprising, one or more than one isolated nucleic acid as defined by claim 15 in operative association with a gene of interest, and in operative association with one or more than one regulatory element required for the expression of the gene of interest within a host organism.

19. (Amended) A construct comprising, one or more than one isolated nucleic acid as defined in claim 16 in operative association with a gene of interest, and in operative association with one or more than one regulatory element required for the expression of the gene of interest within a host organism.

28. (Amended) The construct of claim 18, wherein the one or more than one regulatory element comprises a regulatory element selected from the group consisting of an inducible promoter, developmentally regulated promoter, tissue specific promoter, constitutive promoter, and enhancer element.

41. (New) A construct comprising, one or more than one isolated nucleic acid as defined by claim 17 in operative association with a gene of interest, and in operative with one or more than one regulatory elements required for the expression of the gene of interest within a host organism.

42. (New) The construct of claim 19, wherein said one or more than one regulatory element comprises a regulatory element selected from the group consisting of an inducible promoter, developmentally regulated promoter, tissue specific promoter, constitutive promoter, and enhancer element.

43. (New) The construct of claim 41, wherein said one or more than one regulatory element comprises a regulatory element selected from the group consisting of an inducible promoter, developmentally regulated promoter, tissue specific promoter, constitutive promoter, and enhancer element.

44. (New) An isolated nucleic acid consisting of the nucleotide sequence of SEQ ID NO: 6.

45. (New) An isolated nucleic acid consisting of nucleotides 1-16 of the nucleotide sequence of SEQ ID NO: 6.

46. (New) An isolated nucleic acid consisting of nucleotides 10-24 of the nucleotide sequence of SEQ ID NO: 6.

47. (New) A construct comprising, one or more than one isolated nucleic acid as defined by claim 44 in operative association with a gene of interest, and in operative association with one or more than one regulatory element required for the expression of the gene of interest within a host organism.

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48. (New) An isolated nucleic acid comprising the nucleotide sequence of SEQ ID NO: 6, or the isolated nucleic acid comprising a nucleotide sequence that hybridizes to the nucleotide sequence of SEQ ID NO: 6 when hybridized in 4 X SSC at 65°C overnight, followed by washing in 0.1 X SSC at 65°C for an hour, wherein the nucleic acid exhibits translational regulatory activity, provided that, if a native form of the nucleic acid comprises the sequence of SEQ ID NO: 1, then the nucleic acid comprises at least 2 regions having the nucleotide sequence of SEQ ID NO: 6.

49. (New) A construct comprising, one or more than one isolated nucleic acid as defined by claim 48 in operative association with a gene of interest, and in operative association with one or more than one regulatory element required for the expression of the gene of interest within a host organism.
